

U.S.S.N. 09/601,997

KECK *et al.*

**ELECTION AND PRELIMINARY AMENDMENT**

**REMARKS**

Any fees that may be due in connection with this application may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Claims 8-14 and 58-69 are presently pending in this application. Claim 8 is amended in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 58-69 are added. The amendment of claim 8 and the added claims find basis in the application as originally filed. Therefore no new matter is added.

\* \* \*

In view of the above, entry of the amendment and examination of the application on the merits are respectfully requested.

Respectfully submitted,  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keck et al.

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For: *NON-BACTERIAL CLONING IN  
DELIVERY AND EXPRESSION OF  
NUCLEIC ACIDS*

Art Unit: 1635

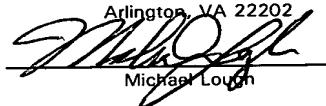
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**MARKED UP CLAIMS IN ACCORDANCE WITH 37 C.F.R. § 1.121**

Please amend claim 8 as follows:

8. (Amended) A method of assigning a function to a product coded for by a sample nucleotide sequence, said method comprising:

a) without any intervening bacterial cloning steps, obtaining and expressing one or more members of an oligonucleotide family as individual transcription products in a plurality of recombinant non-bacterial host cells, wherein:

the coding sequences for each individual transcription product encodes an antisense nucleic acid that, when expressed as RNA binds to mRNA transcribed from a target nucleic acid molecule that comprises a nucleotide sequence of the sample nucleic acid; and

expression of one or more of the individual transcription products inhibits production of a product of the mRNA; [rowing a cell culture comprising one or more host cell(s) wherein said host cells express a target nucleic acid comprising said sample nucleotide sequence and wherein said host cells contain one or more members of a family of nucleic acids which bind to a transcription product of said nucleotide sequences whereby transcription product of said target nucleic acid is inhibited and said host cell exhibits at least one phenotypic change]

MARKED-UP CLAIMS

- b) analyzing phenotypic changes in [said cell] the resulting host cells to thereby identify one or more altered function(s); and
- c) obtaining a nucleotide sequence of said target nucleic acid, whereby, based upon the altered function, a function is assigned to [said] a sample nucleotide [sequences] sequence.